IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11143 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JAMSHERKHAN FIROZKHAN CHAVDA - Petitioner(s)
Versus
GUJARAT ELECTRICITY BOARD - Respondent(s)

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Appearance :
MR CB DASTOOR for Petitioner(s) : 1,
None for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 02/07/2007

ORAL JUDGMENT

Shri C.B. Dastoor, learned counsel for the petitioner; none for the respondent.

2. The petitioner-workman, being aggrieved by the award rejecting the Reference made on behalf of the workman is before this Court with the complaint that the award is bad and is not in accordance with law.

3. The petitioner was appointed as daily wager driver. After his services came to be terminated, he filed the Reference. The parties were allowed to lead evidence, the petitioner led evidence but failed in proving that he had worked for more than 240 days in 12 calendar months just preceding the date of the order of retrenchment/illegal termination.

4. Shri Dastoor, learned counsel for the petitioner, even before this Court was unable to show that the petitioner had worked for more than 240 days. If that be so, the petitioner would not be deemed to be in continuous services and provisions of Section 25-F of the Industrial Disputes Act, 1947 would not apply. The petition is dismissed. Rule is discharged. No costs. Interim relief, if any, is vacated.

5. It is however made clear that disposal of the

petition would not come in the way of the petitioner to approach the authorities for his fresh appointment. It is further made clear that this Court is not issuing any directions to the other side that they are obliged to accept the application but this Court is reserving liberty in favour of the petitioner and is giving discretion to the respondent to act in accordance with law.

[R.S. GARG, J.]

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